

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

In Re: Dennis E. Bongiardo

Case No. 10-13349  
Chapter 13

**OBJECTION TO PLAN**

Now comes Ameican Home Mortgage Servicing, Inc. (together with its predecessors, successors, affiliates, principals, and assigns, “Lender”) a creditor and party in interest herein, and, by and through its undersigned counsel, hereby objects to Debtor’s proposed Chapter 13 Plan. As grounds, Lender states as follows:

1. Lender is a secured creditor of Debtor and Lender filed a Proof of Claim (the “POC”) evidencing its claim on or about August 28, 2010. Lender is secured only by a first mortgage which encumbers Debtor’s property located at 121 Friendship Street, North Providence, RI 02904 (the “Property”).
2. On or about August 30, 2010, Debtor filed his proposed Chapter 13 Plan (the “Plan”).
3. The POC filed on behalf of Lender lists a total claim amount of \$41,948.82 with an arrearage at this time of \$15,123.33. Interest, late charges and attorneys’ fees continue to accrue on the Lender’s claim.
4. The Plan does not provide for payment of the pre-petition arrearage owed to Lender.
5. The Plan provides for modification of Lender’s secured claim to a principal balance of \$28,444.00 with an interest rate of 10.400%.
6. The Plan indicates that the value of the Property is \$288,000.00
7. Pursuant to 11 U.S.C. §506(a), Lender is over secured. Accordingly, Debtor may not modify the amount of Lender's secured claim.
8. Upon information and belief, the Property is solely Debtor’s principal residence and of no commercial value. Pursuant to 11 U.S.C. §1322(b)(2) Debtor may not modify Lender’s secured claim.

WHEREFORE, Lender respectfully requests that this Honorable Court deny confirmation of the Debtor's proposed Chapter 13 Plan.

American Home Mortgage Servicing, Inc.  
By its Attorneys,

/s/ Joseph M. Dolben  
Joseph M. Dolben, Esq. (7916)  
Nicholas Barrett and Associates  
999 South Broadway  
East Providence, RI 02914  
(401) 654-6162

Dated: September 16, 2010

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**CERTIFICATION OF SERVICE**

I hereby certify that on September 16, 2010, I electronically filed an Objection to Plan with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically:

**John Boyajian, Esq.**  
**Gary L. Donahue, Esq.**

[john@bhrlaw.com](mailto:john@bhrlaw.com)  
[ustpreion01.pr.ecf@usdoj.gov](mailto:ustpreion01.pr.ecf@usdoj.gov)

And I hereby certify that I have mailed by United States Postal Service, the document electronically filed with the court to the following non CM/ECF participants:

Dennis E. Bongiardo  
121 Friendship Street  
North Providence, RI 02904

/s/Joseph M. Dolben